Previous references.

File No.
565 of 1903-04

1904

(Revenue)

Later references.

LR. 368-09 (Sl. 122)
LR 189 of 10 (Sl. 16)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 112

PART B. FOR December 1904.

SUBJECT.

Resumption of certain Shanbhogi Umbli Lands in the Chika Hulikere village, Channagiri Taluk; which have been alienated, contrary to the rule.

FILE No. 565 of 1903-04.

Resumption of certain Shanbhogi Umbli lands in the Chika Hulikere village, Channagiri Taluk.

1	From the Revenue Commissioner in Mysore, No. 7816, dated 6th June 1904. Forwards for the orders of Government, the records in connection with the proposed resumption of the shanbhogi umbli lands in question which have been in the possession of one Ambli Hanumappa, the purchaser thereof.
2	To the Revenue Commissioner and the Survey Commissioner, No. R. 4763—64, dated 2nd December 1904. Declines to accept the Revenue Commissioner's recommendation to remove the lands in question from the list of Inam lands and declare them as Government lands, leaving the possession thereof undisturbed and directs that they should be resumed and restored to the registered officiator, unless the alienee agrees to pay full rent, ordinarily paid by tenants of similar land in the same locality, and states that the alienee must look to his vendors for the recovery of the purchase money and other losses which he may sustain by this act of Government.

G. R. S. 58.

GENERAL AND REVENUE SECRETARIAT.

(Rev Mis)

NOTES.

File No. 565 of 03-04

FILE HEADING.

Resumption of certain Sambagi Inmbli lands in Chicka Hulikere village, Chennagiri Taluk.

From

The Rev Commr in Mysore

No. 7816 Dated 6.6.04 Received 9.6.04

Diary No. 8962 | Enclos. 3 & 1 P Spare Copies. | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Submits for the orders of Govt the records in connection with the resumption of certain Sambagi Inmbli lands in Chicka Hulikere village of the Chennagiri Taluk.

NOTES AND ORDERS.

S. No 20 of the Chicka Hulikere village is a Sambagi Service Inam with assessment Rs 15/- fixed the jadi on the land being also the same. This land is reported to be in the khata of Seenappa, Sambagi land in the enjoyment

MGGPB—5,000—18-5-04

General and Revenue Secretariat.

File No. 565 of 1903-04

Serial No.

of one Hammappa having been sold in 1897 by the latter by Ambajappa, Krishnappa and Pandurangappa for Rs 600/- It is not known how these three persons came by the land in question. Khalēdar Seenappa States that the land was given to the said persons by his ancestors on the condition of their paying the jodi amount to Govt and also Rs 4 annually to the Khalēdar. Ambajappa and others deny having ever paid the amount to the Khalēdar or his father Hammappa agreed to give up the land if he is paid its value. The Dy Comr orders that Hammappa should first resign the land and then try to recover the value thereof from Ambajappa and others. On Hammappa's declining to

Being informed that the alienation of Umbli lands was prohibited,

G.R.S. 12]

General and Revenue Secretariat. | File No. 565 of 1903-4

Serial No.

do so the Dy Comr ordered the resumption of the land on the authority of G. O. no: 3229-36/87 244 of 1892 & the 21-9-96. He is now of opinion that the land should be removed from the category of Service Inam land and dealt with as Govt land leaving the parties interested to substantiate their claim for its possession. The Rev Comr considers it a good policy to remove it from the list of Inams and leave possession undisturbed as such enfranchisement would ensure security of tenure and the good results which ensue from it. Submitted for orders.

17/9/04. There seems to be no question as to the nature of the land. It is village service inam land. But no reduction in assessment has been allowed

* The file not traceable. Monthly volume for 1896 as reference. (T).

MGCPB—10,000—31-8-04.

G.R.S. 12]

General and Revenue Secretariat. | File No. 565 of 1903-04

Serial No.

in fixing the jodi upon it. Thus as remarked by the Rev Commr, it cannot be regarded as forming part of the remuneration for performing the duties of the office, as no special profit accrues to the holder of the land from its possession. Alienation of the land justifies its resumption and the alienee is ordinarily considered as having no right either to compensation or other considerate treatment — except by way of damages against the alienor, as he is presumed to have been aware of the invalidity of his title. So strictly speaking Govt would be justified in resuming the land & treating it like any other assessed land belonging to Govt. But in the peculiar circumstances of this case this scheme cannot seem to be inequitable. It is not-

Flag 7

NOTE —Contn. sheet.

MGCPB—10,000—31-8-04.

G.R.S. 12]

General and Revenue Secretariat. | File No. 565 of 1903-4

Serial No.

even known under that circumstances the land passed into the possession of the present owners & since how long they are in possession. Is the land also apparently forming a necessary appendage to the office, the remuneration having probably been fixed without taking it into consideration — which however may be made clear by a reference to the Sub Commr — the recommendation of the Rev Commr may be accepted & the land treated as assessed waste land & confirmed in possession to the present occupiers. Sd/ B. B. Ray 19/6/04

The occupancy right of the land is attached to the Shanbhog office, tho' the assessment thereon has not been reduced. That right is not valueless inasmuch it has been bartered for 600 Rs. I do not know how we can deprive the Shanbhog Appa of this benefit. The alienation is of course against rules. May be not, therefore

NOTE—Contn. sheet.

MGCPB—10,000—31-8-04

General and Revenue Secretariat.

File No. 365 of 1903-4

Serial No.

cancel it? Before, however, submitting this & the Diwan Saheb we may send the file & the Survey Commr. unofficially for opinion

W.O. No: 389 19-8-04 15.5.1904

Forward unofficially to the Survey & Settlement Commissioner for favor of opinion W Venkatasubba Rao 15.5.1904 Secy: to Govt

5/5/04.

Regd W.O. No 5 22-9-04 EK

NOTE—Contn. sheet.

MGCPB—10 000—19-5-04

File No. 6 of 2-11-04. File no 565 of 1903-4

GOVERNMENT OF BOMBAY

Note on the resumption of certain Shantaji Kumbhi lands in Chik Kulikeri village, Chennagiri Taluk as requested in Secretary's unofficial memo dated 19.9.04.

It is of course competent to Govt. to resume Survey No. 20 (part only of which however has been sold to Banaman Appa) but the alternative also is open to Govt. of demanding the full rent instead of transferring the possession of the land. If the resumption of the land is deemed to be too harsh the Govt. may in my opinion demand and recover full rent ordinarily paid by tenants of similar land in the same locality and the amount so recovered constitutes profits of the Estate. This is the course prescribed in similar cases in Bombay under the Hereditary Offices Act. As at present I do not think the land could be declared Govt. land, as distinct from Service land, without formal resumption and transfer of possession

2.XI.04.

Survey Commissioner

Submitted to the Revenue Member for orders.

2.11.1904

2544/3.11.04.

General and Revenue Secretariat.

File No. 585 of 1903-04

Serial No.

2787

I am not prepared to accept the recommendation of the Revenue Board in considering that what he suggests is good policy - Govt must not [illegible] its own rules orders and there seem to be no good reason to interfere with or alter them. There is no doubt that this is Service Inam land & the Govt is Equal Proprietor. It should be resumed restored to the Registered Officials unless the absence agrees to give rent as suggested by the Revenue Board. The absence must look to his Vendors for the recovery of the purchase money & other steps which he may be put to by Govt. - Wilks

Draft accd 15.11.1904

18.XI.04

Submitted with draft

Nore—Contn. sheet.

MGCPB—10 000—19-5-04

G.R.S. 12]

General and Revenue Secretariat.

File No. of 190

Serial No.	
2.	To the Rev: Com^r & the Sur: Com^r Declines to accept the Rev: Com^rs recommendation to remove the lands in question from the list of Inam lands & declare them as fort. lands, leaving the possession thereof undisturbed & direct that they should be resumed & restored to the Registered Occupator, unless the alienee agrees to pay the full rent ordinarily paid by tenants of similar land in the same locality.

MGCPB—20,000—1-11-04.

No. 7816

OFFICE OF THE REV. COMR. IN MYSORE,
Bangalore,.....6th June.....1904.

FROM T. Ananda Row Esq. B.A.
~~V. P. MADHAVA RAO, Esq., C.I.E.,~~
Revenue Commissioner in Mysore.

To

The Secretary to the Government of His Highness
the Maharaja of Mysore,
General and Revenue Departments.

SIR,

I have the honor to submit herewith for the orders of Government copies of the marginally noted papers on the subject of the proposed resumption of certain Shanbhogi Umbli lands in Chicka Hulikere village of the Chennagiri Talukand to state as follows:-

(1) Letter No. 172 dated 30th October 1903 from the Deputy Commissioner of the Shimoga District.
(2) Docket No. 7070 dated 9th May 1904 to the Deputy Commissioner of the Shimoga District.
(3) Letter No. 451 dated 25th May 1904 from the Deputy Commissioner of the Shimoga District.

2. Survey No. 20 of Chicka Hulikere village is a Shanbhoge's service Inam in the Khate of one Seenappa, Shanbhogue. The land is reported to be a garden measuring one acre and 21 guntas and assessed at ₹s15/-. The Jodi on the land is fixed at ₹s15/-, being equivalent to the Survey assessment and thus no profit is calculated to arise out of the land in fixing the remuneration of the Shanbhogi office, for the performance of which it is set apart as Inam. The land in question was being cultivated by Ambajappa, Krishnappa and Pandurangappa. There is no evidence as to when and under what conditions these persons obtained the land. The Khatedar Seenappa states that the land was given to them by his ancestors on condition of their paying the

the jodi amount and also ₹10/- annually to the Khatedar. Ambajappa and others deny having ever paid the said amount to Seenappa or his father.

3. In 1897 Ambajappa and others sold the said land along with another piece of land to one Ambli Hanumappa for ₹800/-. On being told that the alienation of Umbli lands was prohibited by the Rules in force, and asked to give up the lands Hanumappa pleaded that he was not aware of the land being a service Inam and agreed to resign it if he was paid ₹600/- the value of the land. When ordered to resign the land first and then recover his dues from Ambajappa and others he declined to do so and the Deputy Commissioner ordered the resumption of the lands on the authority of Government Proceedings No. 3229-36/ R F 244-92 dated 21st September 1896.

4. The Deputy Commissioner at first solicited instructions as to whether the land in question may be retained as Umbli land and restored to Shanbhogue Seénappa or whether it should be brought on the Banjar list and disposed of under the Darkhast Rules. The Deputy Commissioner in his subsequent letter states that there seems to be no alternative but to remove the land from the category of Service Inam land and deal with it as Government land leaving parties interested to substantiate their claim for its possession.

5. I think that strictly speaking no action seems called for and certainly none of the kind recommended by the Deputy Commissioner in the words that " the land should be brought on the Banjar list and disposed of under the Darkhast Rules ". But under the circumstances of the case I consider that it will be good policy to remove it from the list of Inam lands and treat it as Sirkar, leaving possession undisturbed as such enfranchisement would ensure security of tenure and the good results which ensue from it.

6. I beg that the Government may be pleased to pass early orders in the matter. The vernacular papers bearing on the subject are herewith forwarded for reference and kind return.

I have the honor to be,

Sir,

Your most obedient servant,

For Revenue Commissioner.

Typed
A.N.

I. Dwg 9/6
Received Aug.

9/6 √ R3962

1904.

From T. Ananda Row Esq. B.A.
~~V. P. MADHAVA RAO Esq. C.I.E.~~
Revenue Commissioner
in Mysore.

GOVERNMENT
5 JUN 1904
GENERAL & REVENUE SECRETARIAT

To

The Secretary to Government of
H. H. the Maharaja of Mysore,
General & Revenue Departments.

Dated 6
Despatched 8 June 04.
Received
General No. 7816.
No.

Enclosure No. 3 and
ver paper

Submitting for the orders of Government correspondence regarding the resumption of certain ~~land~~ Shanbhogi Umbli lands in Chicka Hulikere village, Chennagiri Taluk.

ಸಂ. ಆಫೀಸು ನಂ: 3229-3:-
R7-244-92 ದ 21.9.1896 ಇಂದ ರಿಕ್ವಿಸಿಟ್
ಇಂದ ಬಂದ ಪತ್ರ.
ರಿಪ್ಲೈ ಕಳುಹಿಸಿದ್ದು 5.9.04.
" ಕ್ಲರ್ಕ್ 15-9-04.

No 451

Deputy Commissioner's Office.

Shimoga District,

Dated 25th May 1904.

4

From

M.S. Narayen Rao Esq.

Deputy Commissioner, Shimoga District.

To

T. Ananda Row Esq. B.A.

Revenue Commissioner in Mysore.

Sir,

In reply to his Docket No. 7070 dated 9th May 1904, I have the honor to state that the land the restoration of which is claimed according to Akarbund is garden containing one acre and 21 guntas and assessed at ₹15/-, the jodi is Rs 15/- that is a sum equal to the survey assessment and therefore no profit is calculated to arise out of the land in fixing the remuneration of the Shanbogi office for the performance of which this land it is recorded, has been given as Inam. In the document only one acre is mentioned but it is also stated therein that only a portion of the Survey No. 20 is the subject matter of the deed of sale.

2. It appears that the land has long been out of the actual possession of the Shanbogue's family. The vendor expressly states in his deed of sale that he got the land by a perpetual lease " Mulgeni ", but has not tendered any evidence to show whether this is true and if true, what the conditions of the lease are. At any rate the purchaser was made cognisant of the fact that the lands stood in the Shanbogue's Khate. The Shanbog too admits that the land was leased by his ancestors and that till recently he used to get a profit of ₹10/- over the jodi, which, is is presumed, he allowed the vendor to pay to Government. The case is somewhat complicated by unauthorized dealing on the part of the Shanbogue's ancestors and it is unfair to allow the present officiator to derive the benefit that will accrue by the restoration of the land to him in its present improved condition which has certainly been to a great extent

5

extent brought about by an outlay of money by the vendor. I am of opinion that the giving out of service Inam land by a perpetual lease is a form of alienation which cannot be countenanced. There seems however to be no alternative but to resume the Inam land, that is to say remove it from the category of service Inam land and deal with it as Government land leaving parties interested in it to fight for its possession. This course does not entail any hardship on the Shanbogue, first because it was necessitated by the conduct of his ancestors and second because the jodi is Survey fully equal to the assessment and no profit has been calculated to arise to him from it.

3 The vernacular records are retransmitted.

I have etc.

Sd/ M.S. Narayen Rao

Deputy Commissioner

Shimoga District.

"COPY"

For Revenue Commissioner.

Typed
A N.

6

1903.

From

T. Ananda Row Esq. B.A .

Revenue. Commissioner
in Mysore.

To

The Deputy Commissioner,

Shimoga District.

Dated 9th May 1904.

Despatched 11th May 1904.

Received

General No. 7070
No.

Enclosure No.

Deputy Commissioner's Docket No 210 dated 27th November 1903 forwarding the vernacular records relating to the resumption of certain Shanbogi Umbli lands in Chick Hulikere village of the Chennagiri Taluk.

@@@@@@@@@@

In returning the vernacular papers received with the above for reference and retransmission with the Deputy Commissioner's report when he makes it, has the honor to request that the Deputy Commissioner will be so good as to submit a full further report with reference to the following remarks on the subject:-

7

1. The case does not appear to have been dealt with in the manner it deserves to be.

2. What is the assessment on the land in question, that is, its survey valuation, and what is the amount payable to Government, that is, is the full assessment payable or a jodi only, or is no part of the assessment payable as if it were a Surva Inam land. Is the whole Survey No. classes as garden or is it partly dry and partly garden, and inthe latter case what is the extent of each. Different or doubtful statements are given in different places on these heads. For example in the document itself only one acre assessed at ₹10/- is stated to be garden whereas elsewhere the entire area of one acre and 21 guntas assessed at ₹15/- is stated to be garden. In calculating the cash remuneration payable to the officiator Shanbogue, is account taken of the value of this Inam? Is Seenappa the present Shanbogue doing duty in respect of the Firks to which this land is attached as Service Inam.?

3. After resuming the land the Deputy Commissioner proposes as one of his alternatives that it should be treated as Sirkar Banjar and disposed of under the Darkhast Rules What is the justification for this ?

4. What is there to prevent the case being decided by requiring the Shanbogue to sue for rent or it may be even for the recovery of the land as contemplated in the Deputy Commissioner's order dated 9th March 1900.

Sd/ T. Ananda Row
Revenue Commissioner.

"COPY"

For Revenue Commissioner.

Typed
A.N.

No. 172

8

Shimoga District,
Deputy Commissioner's Office,
Dated 30th October 1903.

From

N. Venkata Rao Esq
Offg: Deputy Commissioner, Shimoga District.

To

V.P. Madhava Rao Esq. B.A. C.I.E.
Revenue Commissioner in Mysore

Sir,

I have the honor to report for your information that garden Survey No. 20 of Chicka Hulikere village of the Chennagiri Taluk, a Shanbogi Service Inam, in the Khate of one Seenappa was sold to Ambli Hanumappa in 1897 by the marginally noted persons who were cultivating the land. No evidence is forthcoming as to when and on what conditions these persons obtained the garden in question. The Khatedar states that the land was given by his ancestors to the father of Ambajappa on condition that he should give ₹10/- to the Khatedar every year after paying the Jodi. Ambajappa and his brothers denied having paid surplus in any year either to Seenappa or to his father. The purchaser was served with notice to the effect that if he did not give up the land within six months, it would be resumed. Hanumappa states that he was not aware that the land was one of Service Inam and that since he has purchased this and another land for ₹600/- and paid the amount, he would not give it up unless the amount paid by him was repaid to him. The contention of Hanumappa is of course untenable and the land may therefore be taken possession of by Government, leaving Hanumappa to recover his money from Ambajappa in a Civil Court. Accordingly the Amildar has been ordered to resume the land as per Government Proceedings No. 244-92 dated 21st September 1896.

Ambajappa
Kristappa
Pandu Rangappa.

2. I solicit the favor of your instructing me as to whether the land in question may be retained as Umbli and restored to Shanbogue Seenappa as he was not a party to the transaction or brought on the [illegible] Banjar list and disposed of under

9 under the Darkhast Rules.

I have etc.

Sd/ N. Venkata Rao

Offg: Deputy Commissioner,

Shimoga District.

"COPY"

For Revenue Commissioner.

Typed
A.N.

60

G.R.S. 28]

File No. 565 of 1903-04
Serial No. 2

Diary No. of letter replied to 3962

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(P. M.)

the 2 – 12 – 1904

Date of issue 2 – 12 – 04

Signed by Mr. P. G. D'Souza.

S.N.P.
No. R. 4763-64
Mis. 565-03-2

Typed 30/11/04

READ.—

letter no: 7816 of the 6.6.04 from the Revenue Commissioner in Mysore reporting in the matter of the alienation of the Shanbogi umbli land in the Chikka Hulikere village of the Chennagiri Taluk

ORDER THEREON.—No.

order thereon:

Survey no: 20 of the Chikka Hulikere village is a Shanbogi Service Inam land in the khata of one

over

SUBJECT

Declines to accept the Revenue Commissioner's recommendation in the matter of the alienation of the Shanbogi Umbli land in the Chickhulikere village of the Chennagiri Taluk.

MGCPB—5,000—21-6-04

4/- Cha, Shanbogue the land
~~[illegible]~~ garden measuring
1-28 and assessed at Rs 15/- the
jodi on the land is also Rs 15/-,
so that no profit accrues to
the holders thereof from its
possession. The land was in
the enjoyment of Ambajappa,
Krishnappa and Pandurangappa
till the year 1897 when it was
with some other land
sold by the latter to Ambli
Hanumappa for Rs 800/-. It is
not known how the said
Ambajappa and others got
possession of the land in
question. Shanbog Seenappa
alleges that the land had
been let out to them on
condition of their paying
the jodi to Govt and Rs 15/-
a year to the Khalēdar.
Ambajappa and the other
two persons referred to deny
having ever paid any

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

amount to the Khaledar On being told that the aliana tion of Umbli lands would not be recognised by Govt, Umbli Hanumappa pleaded that he was not aware of the land being a service Inam and agreed to give it up if he was paid its value, viz, Rs 600. Hanumappa however declined to resign the land without ~~Govt~~ consideration, the Dy. Commr ordered its resumption in May 1901 on the authority of G.P. no: 3229-36 / RT 244-92 dt the 21st September 1896. He is now of opinion that the land may be declared Govt land as distinct from Service land and treated as such leaving the parties interested to substantiate their claim for its possession. The Rev Commr suggests that it will be good policy to remove it from the list of Inam lands and treat it as Sirkar, leaving to possession

undisturbed as such enfranchisement would ensure security of tenure and the good results which ensue from it. The Survey Comr, who was requested to favour Govt with his opinion on the subject, states that the Govt may either resume the land or, if that course is deemed too harsh, demand full rent on it (i.e. the rent ordinarily paid by tenants of similar land in the same locality) without transferring the possession of the land; but that at all events the land can not be declared Govt land without formal resumption and transfer of possession.

2. Govt are not prepared to accept the recommendation of the Revr Comr, nor agree with him in considering that what he suggests is good policy. The rules and orders of Govt must not without good reason be violated. The land in question is doubtless a service land through the yoke fixed thereon is equal to its

are there good grounds in this case to justify any departure from them or their alteration

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation Sheet draft form.)

assessment. It should be resumed and restored to the registered officiator, unless the alienee agrees to give rent as suggested by the Survey Comr. The alienee must look to his vendors for the recovery of the purchase money and other losses & which he may sustain by this act of Govt.

J.

for Secretary

24/11/04

To the Rev Comr in Mysore returning the enclosures

To the Sub-Settlement Comrs

recomp'd
1/12/04